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No. 04-61

In The

SUPREME COURT OF THE UNITED STATES

In Re A. LIPKO JR.

V.

M. CHRISTIE

Petition for a Writ of Certiorari to the
United States Court of Appeals for the
Second Circuit

SUPPLEMENTAL BRIEF

A. LIPKO JR.
P. O. BOX 536
NEW HAVEN, CT 06503
(NO PHONE)

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I. NEW INTERVENING MATTER NOT AVAILABLE IN PETITION FOR WRIT OF CERTIORARI

1. GUILTY! GUILTY! GUILTY! GUILTY! Martha Stewart, of Westport, Connecticut, was convicted on four counts of obstructing justice and perjury. A jury of eight women and four men deliberated over three days before convicting Steward of all counts against her; conspiracy, perjury and obstruction of justice. The charges against Stewart carry up to 20 years in prison. Sentencing was set for June 17.-- New Haven Register, March 5, 2004.

2. PERJURY CHARGES LEVELED AT STEWARD TRIAL WITNESS. A Secret Service ink expert who testified for the government at the Martha Stewart trial was charged Friday with lying repeatedly on the stand. Larry Steward, who is not related to Martha Stewart, testified that he had worked on two ink analysis examinations of the worksheet. Larry Stewart, 46, of Bethesda, MD was taken into custody by federal agents. At a brief court appearance Friday, Stewart was released on $50,000.00 bail and a preliminary hearing was set for June 10, 2004. He did not enter a plea. The two counts of perjury, based on eight statements made by Larry Stewart during his testimony on Feb. 19 and Feb. 25--carry up to 10 years in prison. "We have to hold all people to the same standard of integrity, and today we hold true to those commitments," U.S. Attorney David Kelly said, regarding criminal charges brought against an expert witness in the Martha Stewart trial.—New Haven Register, May 22, 2004.

3. JUDGE PLEADS GUILTY, RESIGNS— A Superior State Court Judge pleads guilty, resigns. As a condition of his guilty plea, Judge Daniel E. Brennan, 61, of Madison Connecticut, resigned. Brennan faces up to five years in prison, three years of supervised release and a fine of $250,000.00 when he is sentenced April 16. In

September, a federal grand jury returned an indictment against Brennan, charging him with one count of endeavoring to obstruct justice and four counts of perjury to federal law enforcement officers. Brennan's arrest demonstrates that no one is above the law, said U.S. Attorney Kevin O'Connor. "What we had here was a relationship between a judge and a convicted felon," O'Connor said. "He received $10,000.00 from a felon, and when he asked if he received this money he denied it." "The crime to which (Brennan) pled guilty was not about receiving the money, it was lying (perjury) to a federal agent about whether he received the money," O'Connor said. – New Haven Register, January 6, 2004.

4. A former State Superior Court judge was put on probation Friday and ordered to pay a $5,000.00 fine for (perjury) about his financial dealings with a convicted felon. Daniel Brennan Jr. was accused of borrowing money from William A. Trudeau Jr., a former client of his law practice, and writing a fraudulent invoice to help him disguise his finances from federal authorities. Brennan could have faced prison time, but prosecutors did not oppose probation citing Brennan's failing health and his resignation from the bench and the bar. In February 2001, Trudeau pleaded guilty to charges of fraud. – Hartford Courant, April 16, 2004.

5. THE RIGHT OF ACCESS TO THE COURTS IS CONSTITUTIONALLY PROTECTED AND CANNOT BE DENIED. A former state employee retained her constitutional right to access to the courts and to equal protection of the laws in her sexual harassment action against a sitting President of the United States for alleged conduct occurring when the President was governor of Arkansas, regardless of what her claims were or when her suit was filed, if otherwise timely filed, provided that she was not challenging actions that fell within the ambit of official presidential responsibility. Jones v. Clinton, 72 F. 3d 1354,

69 Fair Empl. Prac. Cas (BNA) 953 (8th Cir 1996), reh'g and suggestion for reh'g en banc denied, 81 F.3d 78, 70 Fair Empl. Prac. Cas. (BNA) 585 (8th Cir. 1996) and cert. Granted, 116 S. Ct. 2545, 135 L. Ed. 2d 1066 (U.S. 1996) and judgment aff'd. The total litigation of President Clinton included impeachment by the House of Representatives, perjury, fined $125,000.00 and his law license suspended for five years.—16B Am Jur. 2d Constitutional Law—Free Justice and Open Courts; Remedy for all Injuries [Sections 3620-626].

6. DOCTOR PLEADS GUILTY TO FRAUD. A Westport pediatrician on Thursday pleaded guilty to fraud, admitting in U.S. District Court that she bilked a children's vaccine program of more than $350,000.00 between 1997 and 2002. Federal officials say the prosecution of Suvarna Shah, 62, was the first of its kind in the United States. Shah, whose practice is in Norwalk, admitted that she billed Medicaid and private insurers for vaccines that are provided free of charge by the federal-state Vaccines for Children Program. "She pleaded guilty to one count of fraud and one count of tax evasion, both felonies. "She abused the program for her own profit," U.S. Attorney Kevin O"Connor said following a court hearing. Shah will pay restitution of $700,000.00 in taxes, penalties and fines. And in a civil settlement with the U.S. Attorney's office, Shah will reimburse about $318,000.00 to Medicaid and $230.000.00 to private insurers. Authorities also are investigating allegations of fraud by other doctors, he said.-- Republican-American, and New Haven Register, May 21, 2004.

7. DEAF SWINDLER PLEADS GUILTY TO FRAUD. Years after Massoud Shokouhi Vafa graduated from the American School for the Deaf in West Hartford, CT he returned to prey on the insular deaf community that trusted him as one of their own. Shokouhi pleaded guilty to fraud in federal court in Hartford in connection with bilking

$384,432.00 from six people who believed he was an investor. All six victims were either alumni of the American School for the Deaf or otherwise affiliated with the School. Their individual financial losses ranged from $12,000.00 to more than $100,000.00, paid to Shokouhi between August 2002 and January of this year. "Mr. Shokouhi falsely represented himself to be a sophisticated investor in the stock market," Supervisory Assistant U.S. Attorney Ronald S. Apter told U.S. District Judge Alfred N. Covello. Shokouhi 55, did not invest the money in stocks and bonds but gambled it away in Atlantic City. Shokouhi was arrested April 8, and has been confined to a halfway house. He faces 27 to 33 months in prison when he is sentenced August 13. He also faces almost certain deportation to his native Iran once his prison term is completed. The plea agreement Shokouhi signed requires him to make restitution to his victims. – Hartford Courant, May 26, 2004.

8. PUBLIC INTEGRITY BUREAU, STATE OF CONNECTICUT LAUNCHES CORRUPTION HOT LINE. Chief State's Attorney, Christopher L. Morano said Wednesday that the State's toll-free hot line was set up to provide the public with a direct link to his agency's new Public Integrity Bureau. Morano created the new corruption investigation unit in August in the wake of several of the biggest state and municipal government scandals in modern Connecticut history. Those have included the racketeering scheme involving former state Treasurer, Paul J. Silvester, the resignation from the bar, and conviction of officers of the court, Joseph P. Ganim and Philip Giordano. Ganim is in prison serving 9 years for extortion, and a judge has denied Philip Giordano bail, deeming him a flight risk and a danger to the community. He was born in Venezuela. Giordano is in prison for 37 years. – New Haven Register, July 26, 2002.

9. Virtually all of the major corruption investigations and prosecutions in Connecticut in recent

years have been conducted by the U.S. attorney's office and the F.B.I. State law enforcement agencies in Connecticut have, until recently, been very reluctant to investigate corruption. "The Public Integrity Bureau was created with a very simple mission: to investigate any and all allegations of government corruption or malfeasance (which includes the courts). The Public Integrity Unit will also investigate allegations against people in the private sector who may be engaged in illegal activities involving government agencies or individuals.– New Haven Register, November 27, 2003.

10. Governor Rowland made an extraordinary televised plea for forgiveness Wednesday to a Connecticut public that doesn't trust him and wants him to resign... says there are "no excuses for lying about his conduct." "I was wrong in failing to truthfully address these issues" the 46-year-old three-term governor said, "I lied and there are no excuses." The legislative leaders have put in motion articles of impeachment against Rowland. The legislative committee investigating Rowland's impeachment issued a subpoena for Rowland to testify at a public hearing, June 7, 2004. The Committee must decide to impeach Rowland by June 30, 2004. – New Haven Register, January 8, 2004.

11. JURY AWARDS $2,000.00 FOR ILLEGAL POLICE SEARCH. A federal jury has ruled that a Hamden Police Officer illegally searched a family's home in 1989 and has awarded $2,000.00 in compensatory and punitive damages, the family's lawyer said. The case dates to May, 1989, when Remillard and another officer were dispatched to 47 Cherry Ann St. on a report of a woman with a gun in front of the house. The report turned out to be unfounded. When Remillard and Patrolman James Mills arrived, Syla was on the porch. The two officers searched Syla and found she did not have a gun. Remillard went into Syla's living room with his gun drawn, where Syla's two children were watching cartoons. Remillard searched the room and then searched

the kitchen. The jury ruled Remillard didn't have probable cause to go inside the home without a search warrant because the officers found Syla wasn't carrying a gun. – New Haven Register, October 16, 1990.

12. MILFORD COURTHOUSE ENDS EXTRA SECURITY. Carlos Pagan was awaiting trial on a charge of sexual assault when state police arrested him, claiming he said he would "make the Connecticut lottery shooting look insignificant if the felony case in Milford-Ansonia court house "comes out the wrong way." Pagan had faced misdemeanor charges linking him to an alleged threat to open fire on the building. Since April 1, the Court has spent a total cost of $63,000 for the extra security, which was requested shortly before state police arrested Pagan on a warrant. Officials requested the extra security after a rash of incidents involving the courthouse, including bomb threats and gun-related threats that created a climate of fear among courthouse personnel, Superior Court Judge Joseph Flynn said. Last month, prosecutors suspended the sexual assault case against Pagan after the alleged victim recanted the accusation on the witness stand. Pagan went to trial next on the threatening charge, and a six-member jury acquitted him after a two-day trial. -- New Haven Register, Circa 1998.

13. COST OF JUSTICE BREEDS DO-IT-YOURSELF LAWYERS. Timothy Shashaty was found innocent in January at the Milford-Ansonia court house, of three counts of first-degree sexual assault. His victory apparently made legal history in Connecticut, because of the seriousness of the charges. Authorities could not recall a defendant serving as his own lawyer who won so significant a case. -- New Haven Register, Circa 1995.

14. The previous two cases were brought by women in the Milford-Ansonia Court House. This Petitioner was prosecuted by two women in the Milford-Ansonia Court

House on May 1 and 2, 1997. It is significant that so many women brought wrongful lawsuits against men within approximately the same time frame, in the Milford-Ansonia Court House. This appears to be a class based Animus of women. Milford is a small town of 52,000 people.

15. ATTORNEY GENERAL SAYS: SHERIFFS CORRUPT. Deputy State Sheriffs, now State Marshalls, failed to remit funds to clients, paid personal expenses out of client accounts and engaged in questionable accounting practices. Record Keeping was so bad that investigators often couldn't determine if the deputy sheriff had handled funds properly or not. The report is part of Attorney General Blumenthal's ongoing investigation into the scandal-ridden system. – New Haven Register, July 11, 2001.

16. THREE SENTENCED IN TAX FRAUD. Three former employees of Pitney-Bowes were sentenced Friday in U.S. District Court for defrauding the company in an income tax refund scheme. Raymond J. Wisnieski, 59, of Greenwich, Otto Guhl, 57, of Stamford, and Robert J. Wilson, 62 of Trumbull, were convicted in February for using doctored company tax forms to illegally obtain income tax refunds from the Internal Revenue Service from 1995-2003. Wisnieski, who was an assistant controller, is accused of arranging for the false entries in company tax records to the benefit of himself and the two others. He was sentenced to just over three years in prison. Guhl received a 21-month sentence and Wilson got 18 months in prison. The Court also sentenced each of them to probation for 3 years and fines of $5,000 each. – Hartford Courant, May 29, 2004.

17. EX-STATE TROOPER GETS $225,000.00 AWARD. A federal jury has awarded $225,000.00 to a retired state trooper who claimed she was retaliated against after she alleged her supervisor in the State Police Polygraph Unit was issuing faulty results. Retired Trooper Adrienne

Lamorte filed the lawsuit against Major John Leonard in U.S. District Court in 2001. She claimed Leonard disciplined her after she lodged a complaint about Sgt. Randolph Howell's conclusions on polygraph results—a complaint she argued was protected free speech. "I think the jury was sending a message to the State Police to clean up their house and take seriously and treat fairly those who disclose wrongdoing or failures in their agency," the attorney who represented Lamorte said of Thursday's verdict. When asked if there will be investigation into the accuracy of State Police polygraph results in wake of the verdict, Attorney General Richard Blumenthal said his office will review the trial evidence. – New Haven Register, May 1, 2004.

18. DOCTOR WAS PAID FOR FREE VACCINES. A second Connecticut physician pleaded guilty Friday to federal charges that he fraudulently billed insurers for vaccines provided free by the government. Jorge Elias, of Norwalk, pleaded guilty in U.S. District Court in New Haven to a charge of health care fraud, state and federal officials said. He also agreed to a civil settlement requiring him to pay restitution of about $223,000 to the state and federal governments. Elias, 62, billed Medicaid and other insurance plans for vaccine doses he received free from the Vaccines for Children Program. Between 1997 and 2002 Elias received more than $220,000 from Medicaid and private insurers for the vaccines. He faces up to 10 years in prison and a fine of up to $250,000 when he is sentenced August 16. – Hartford Courant, May 29, 2004.

19. DANBURY LAWYER GETS JAIL TIME IN SEX CASE. A Danbury lawyer was sentenced to seven years in prison in a plea bargain involving charges he had sex with an underage girl and that he overbilled the state for legal services. Bernabe "Bernie" Diaz pleaded no contest Thursday to two counts of second-degree sexual assault and one count of first-degree larceny. Diaz, 53, also must

register as a sex offender, the News Times of Danbury reported Friday. Donnaann Dambro, who was Diaz's girl friend, had accepted a plea deal involving charges that could put her in prison for up to 14 years. Prosecutors said she gave a14 year-old girl pornography and sex toys and that she told her that sex with Diaz was a "learning experience". Dambro of Brewster, NY, and Diaz were charged in state and federal courts with abuse, making child pornography and transporting the minor across state lines for sex. In federal court, Diaz faces up to 15 years in prison on a charge of receiving child pornography from another state. Federal prosecutors and defense lawyers believe the guidelines call for five years and 10 months to nine years in prison. Diaz will be sentenced on the state charges July 6 and on the federal charges June 24. The federal pornography charge stems from two digital videocassettes, which Dambro produced in New York State and brought to Diaz in Connecticut where he had homes in Brookfield and Danbury. Diaz has paid $350,000 to the State in connection with the overbilling charges. – New Haven Register, May 29, 2004.

20. EX-JUDGE GOT WARNING, TICKET BEFORE ARREST. Former Superior Court Judge Daniel E. Brennan Jr. went on an odyssey of erratic driving through several area towns April 19, police allege, and he is due to appear in court today on criminal impersonation and drunken driving charges. -- New Haven Register, April 28, 2004.

21. 1ST EXECUTIVE ORDER LAUNCHES ETHICS AUDIT TO BEEF UP STATE STANDARDS. M. Jodi Rell, sworn in as governor, promises ... "We will end culture of corruption." The long strange saga of Rowland's time as governor ended on 7/1/04, and his successor, Rell, immediately vowed to end "the culture of corruption" plaguing Connecticut. "Let the message be clear: From this day forward, if you are entrusted with public office, you will uphold the highest standards of public integrity and ethical

principles," Rell said. The new governor acknowledges that the District of Connecticut is corrupt, which includes the courts.– New Haven Register, 7/2/04.

22. STATE POLICE MAJOR TO BE SERVED BIG RENT BILL. State Attorney General Richard Blumenthal said that his office will sue to collect thousands of dollars in back rent from a state police major who was living virtually rent-free in a state-owned house. Blumenthal is also warning Major Gregory K. Senick that he better reimburse the State an additional $15,628 for repair costs for that property, or he could face an additional lawsuit. Senick, who was State Public Safety Commissioner Arthur L. Spada's Chief of Staff, was arrested on Criminal Fraud charges earlier this month in connection with those added maintenance costs he had the state pay. Under a 1999 agreement with the State Dept.of Public Works, Senick agreed to provide security at the State's property in Meriden in return for being allowed to live for $1. a year at house there. Senick's rent on the house was increased to $150. a month in 2001. But Blumenthal said that agreement was illegal because Senick misrepresented himself as signing for the Connecticut State Police when he was actually "acting for his own personal benefit." "Separate from the criminal prosecution, this civil action seeks tens of thousands of dollars that Major Senick owes for rent and services that he illegally avoided for 27 months at a state owned house," Blumenthal said. The lawsuit filed by Blumenthal's office in Court accuses Senick of negligent misrepresentation; breach of contract and "unjust enrichment". After Senick's July 2 arrest, Spada publicly defended his aide and said he was certain Senick "would be vindicated". Spada, who is also a State Judge, has since been asked to resign by Governor Rell. – New Haven Register, 7/16/04.

Respectfully submitted,
A. Lipko Jr.